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P/4309-81

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Michel Gielis

Date: February 2, 2005

U.S. National Phase of PCT/EP2003/07130

International Filing Date: 12 June 2003

Serial No.: 10/517,736

r: CONTROL AND/OR MONITORING DEVICE USING AN ELECTRONIC LABEL, A

READER AND A STATE ENCODER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SUBMISSION

Sir:

Applicant submits herewith an English language translation of the PCT International Preliminary Examination Report for the above-identified application. The PCT International Preliminary Examination Report was submitted in the French language along with the U.S. national phase application on December 9, 2004.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 2, 2005:

Klaus P. Stoffel

Name of applicant, assignee or Registered Representative

Signature 2

February 2, 2005

Date of Signature

KPS:ck Enclosure Respectfully submitted,

Klaus P. Stoffel

Registration No.: 31,668

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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference IP 1507	FOR FURTHER ACT	ION See Notific	cation of Transmittal of International Examination Report (Form PCT/IPEA/416)
	International filing date ((day/month/year)	Priority date (day/month/year)
international application No. PCT/EP2003/007130	12 juin 2003 (1		13 juin 2002 (13.06.2002)
International Parent Classification (IPC) or r G06K 7/00	IEHO(IS) CIRESIMANA		
Applicant	INVENTI	O AG	
and is transmitted to the applicant	according to seriors ser		national Preliminary Examining Authority
This report is also accompa amended and are the basis if 70.16 and Section 607 of the	nied by ANNEXES, i.e., si for this report and/or sheets ac Administrative Instruction	heets of the descrip s containing rectific ons under the PCT).	tion, claims and/or drawings which have been cations made before this Authority (see Rule
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3. This report contains indications re		ns:	
1 Basis of the report	t		
II Priority			21 110
III Non-establishmen	it of opinion with regard to	novelty, inventive	step and industrial applicability
Lack of unity of i	nvention		
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Certain document	ts cited		
Certain defects in	the international applicati	ion .	
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Date of submission of the demand		Date of completi	on of this report
13 janvier 2004 (13.	01.2004)		27 July 2004 (27.07.2004)
Name and mailing address of the IPEA/I	6P	Authorized offic	er
Facsimile No.		Telephone No.	



International application No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

PCT/EP2003/007130

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International application No.

		international application 140-	
INTERNATIONAL PRELI	MINARY EXAMINATION REPORT	PCT/EP2003/00713	0
Reasoned statement under Article	e 35(2) with regard to novelty, inventive step of	r industrial applicability;	•
citations and explanations suppo	rting such statement		
Statement			YES
Novelty (N)	Claims		NO
	Claims		- YES
Inventive step (IS)	Claims		_ NO
	Claims		-
Industrial applicability (IA)	Claims		YES
•	Claims		- NO
Citations and explanations			
See supplementa	l sheet.		
2.2			
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP 03/07130

Reasoned statement under Article 3: citations and explanations supportin	5(2) with regard to novelty, g such statement	inventive step or Industrial appli	ability;
Statement			YES
Novelty (N)	Claims	1, 2	
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Claims		NO
		1, 2	YES
Inventive step (IS)	Claims		·NO
	Claims		
4.111	Claims	1, 2	YES
Industrial applicability (IA)			NO
	Claims		

Citations and explanations

Reference is made to the following documents:

D1: US-A-5 594 448

D4: WO-A-01 18694

D4 was not cited in the international search report.

- the position of a label (13) relative to the antenna (11) of a reader (see figure 2). According to the text in column 5, lines 21 to 30, the position of the label (13) is obtained using the first sixteen bits sent by the label. Said sixteen bits are transmitted before the identification code. The identification code is implicitly stored in a memory of the label. Furthermore, the label is supplied with electrical energy by the reader electromagnetically (see column 4, lines 16 to 23).
 - 2.1 It follows that all the features of the preamble of claim 1 are known from D1.
 - 2.2 Furthermore, in D1 there is a "status encoder" (label position detector), which produces a status signal (relative position of the label to the

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/07130

reader) representing a digital or analog status affecting the label and the reader.

- 2.3 The first feature of the characterising part of claim 1 is therefore also known from D1.
- 2.4 However, D1 does not suggest a status encoder including a permanent magnet borne by the electronic label and a magnetic field sensor borne by the reader.
- inspection and monitoring device including a label (400), referred to as a "logger", and a server (410). The label (logger) measures, for example, pressure (see page 6, line 15) and is capable of electromagnetically transmitting (by radio) data corresponding to pressure to the server (see page 7, lines 10 to 16 and figure 5). The label implicitly comprises a memory storing an identification code, which is read by the server (see page 7, lines 16 to 18). Furthermore, figure 5 (see the words "charge for reading logger") clearly shows that the reader (server 410) electromagnetically supplies the label (400) with electrical power.
 - 3.1 It follows that the features in the preamble of claim 1 are known from D4.
 - 3.2 However, D4 does not suggest a status encoder producing a status signal representing a status affecting the interactive units (the label and the server). Furthermore, D4 does not suggest the permanent magnet and the magnetic field sensor mentioned in the characterising part of claim 1.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP 03/07130

- 3.3 Claim 1 thus meets the requirements of PCT Article 33(2) and (3).
- 4. Claim 2 is dependent on claim 1 and thus also meets, as such, the PCT requirements of novelty and inventive step.

Defects in the international application

- 5. Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in D1 and D4 has not been indicated in the description, nor have said documents been cited therein.
- 5.1 The text of the description (see pages 1 to 5) is not consistent with that of the new claims.
- 5.2 Independent claim 1 has not been correctly drafted in the two-part form, with regard to D1, as required by PCT Rule 6.3(b). On this point, see paragraphs 2 to 2.3 above.
- 5.3 Furthermore, according to claim 1, the status signal (STAT) represents a status affecting the units of the first pair of interactive units (see lines 11 to 12). The status signal cannot therefore represent a pressure and is not a status affecting the label (1) alone. Consequently, the text on page 8, lines 21 to 35 should be amended accordingly.